



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Seventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21079 of 2016

ESAKKIMUTHU

...PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
THOOTHUKUDI DISTRICT
(CR.NO.152 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Cr1. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

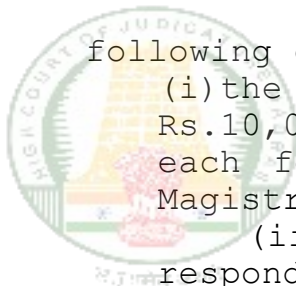
The petitioner / A2, who was arrested on 16.09.2016 for the offences punishable under Sections 294(b), 353, 307 and 379 IPC in Crime No.152 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused illegally transported river sand in a Tipper lorry.

3.The learned counsel for the petitioner would submit that the petitioner is the driver of the Tipper lorry and A1 and A3 were already enlarged on bail by this Court. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is in judicial custody from 16.09.2016 onwards.

4.Heard the learned Government Advocate(Cr1. Side) on the above submission.

5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is in judicial custody from 16.09.2016 onwards and already A1 and A3 were enlarged on bail, this court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the



following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Tirunelveli;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

07/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE SUB INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
THOOTHUKUDI DISTRICT

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No. 66335.

ORDER

IN

CRL OP(MD) No.21079 of 2016

Date :07/11/2016

AM/SS3/SAR-J/07.11.2016/2P/7C